

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**IN THE MATTER OF A CRIMINAL  
COMPLAINT AGAINST MALIK  
SMALLWOOD**

Case No. 18 - 2705 - ADC

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, John Messick, Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), being duly sworn, depose and state as follows:

1. This Affidavit is submitted in support of a Criminal Complaint for Malik SMALLWOOD, with State Identification Number ("SID") 3625427 and FBI Number 924986WD2, of Baltimore, Maryland. As detailed below, there is probable cause to believe that SMALLWOOD violated 18 U.S.C. § 922(g)(1), Possession of a Firearm by a Prohibited Person, and 21 U.S.C. § 841(a), Possession with Intent to Distribute Controlled and Dangerous Substances.

2. I am a duly sworn member of the ATF and have been so employed since 2016. I am currently assigned to ATF Baltimore Field Division, Baltimore VI Field Office in Baltimore, Maryland. Thus, I am an "investigative or law enforcement officer . . . of the United States" within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States empowered by law to conduct investigations of and to make arrests for offenses enumerated in 18 U.S.C. § 2516.

3. I have set forth only the facts I believe are necessary to establish probable cause for the issuance of a criminal complaint. The information contained in this Affidavit is based upon my review of reports and documents, physical surveillances, observations, interviews and investigative activity by myself and other law enforcement officers.

4. On October 2, 2018, United States Magistrate Judge A. David Copperthite authorized a search and seizure warrant for 1815 Division Street, Baltimore, Maryland. Malik

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SMALLWOOD was the target of said warrant.

5. On the morning of October 3, 2018, at approximately 6:01 a.m., members of ATF executed the search and seizure warrant on 1815 Division Street, Baltimore, Maryland. Investigators observed SMALLWOOD inside of the residence. During the search warrant execution, law enforcement also conducted surveillance of the exterior of 1815 Division Street, Baltimore, Maryland. A member of ATF observed SMALLWOOD place one of his legs out of a rear second floor window as though attempting to leave the residence. Law enforcement shined a flashlight on SMALLWOOD and he re-entered the house. Shortly thereafter, law enforcement observed SMALLWOOD at another window of the second floor of the house, and observed SMALLWOOD attempt to throw a gun toward a roof of an adjacent house. The gun did not reach the house and fell to the ground behind 1815 Division Street. A member of ATF recovered the gun from the ground. The firearm that SMALLWOOD threw is a Bursa SA Mini Firestorm 9 millimeter pistol with an obliterated serial number loaded with at least one round of ammunition.

6. Members of law enforcement also recovered five (5) bags of suspected marijuana from inside of the bedroom closet. The bags weighed approximately 19 grams. I believe the substance is marijuana based on my training, knowledge and experience, as well as my training as a member of ATF in the identification of drugs, my prior experience as a Special Agent in making drug arrests, my observation of the packaging which is characteristic of marijuana, and the odor emanating from the substance.

7. Investigators read SMALLWOOD *Miranda* warnings. SMALLWOOD told investigators, in substance, that the marijuana recovered from the bedroom belonged to him. SMALLWOOD also told investigators that he sells marijuana on Park Heights Avenue, Baltimore, Maryland. SMALLWOOD also acknowledged to investigators that he had been incarcerated in a

state prison.

8. I have also reviewed SMALLWOOD's criminal history and determined that he has been convicted of a crime punishable by imprisonment of more than one year.

9. Additionally, I believe that the above-described firearm was manufactured in Argentina and then imported through New Jersey, both outside of the state of Maryland, and thus affected interstate commerce.

10. As a result of the above described information, there is probable cause to believe that Malik SMALLWOOD committed the crimes of 18 U.S.C. § 922(g)(1), Possession of a Firearm by a Convicted Felon, and 21 U.S.C. § 841(a), Possession with Intent to Distribute Controlled and Dangerous Substances.

11. WHEREFORE, I respectfully request that the Court authorize the attached Criminal Complaint.



Special Agent John Messick  
Bureau of Alcohol, Tobacco, Firearms and  
Explosives

Sworn to before me this 3<sup>rd</sup> day of October, 2018



Hon. A. David Copperthite  
United States Magistrate Judge